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Congress of the United States
House of Representatives
Washington, DC 20515

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January 28, 2003

Mr Michael K Powell
Chairman
Federal Communications Commission
445 12th Street SW, # 8-B201
Washington, D C 20554

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FEB - 7 2003

Federal Communications Commission
Office of the Secretary

Dear Chairman Powell.

As Members of the Indiana delegation, we are contacting you today regarding the Federal Communications Commission's (FCC) establishment of guidelines for a national "Do-Not-Call List." **As** the elected representatives from the State of Indiana, we believe that the new guidelines must in no way pre-empt any state law that may be stronger than the proposed federal regulations.

As you may know, on July 1, 2001, the Indiana General Assembly enacted I.C. 24-4.7, commonly known as the Telephone Privacy Program, to provide relief to consumers from unwanted telephone solicitations. Currently, 1.2 million consumer telephone lines are registered for this program, representing almost half of all eligible telephone lines in the State of Indiana. A recent survey revealed that 98 percent of those on the list have experienced a reduction in calls since enforcement began on January 1, 2002. An effective statute and diligent enforcement have made Indiana's Telephone Privacy program a success.

In their effort to establish guidelines for a national "Do-Not-Call List," the Federal Trade Commission (FTC) has already agreed to include a clause stating that their ruling would in no way pre-empt any state law which may be stronger than the impending federal mandate. However, the FCC, in its attempt to set guidelines for a national "Do-Not-Call List" has yet to include such a provision.

We applaud the FCC in its efforts to increase enforcement of the 1991 Telephone Consumer Protection Act, as it pertains to telemarketing. However, we urge you to follow the model of the FTC and not pre-empt a successful state law.

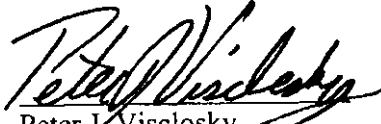
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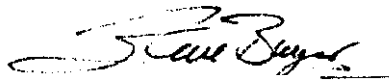
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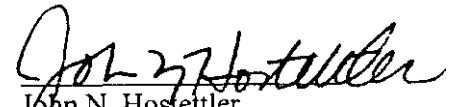
Mr. Michael K. Powell
January 28, 2003
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Thank you for your attention to this matter. We would appreciate your addressing our concerns and making this correspondence part of the official comments you receive on this matter.

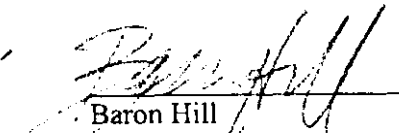
Sincerely,

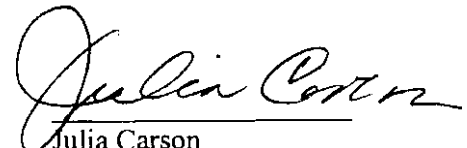

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